

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7727

Petition of Vermont Transco LLC and Vermont )  
Electric Power Company, Inc., for authority, )  
pursuant to 30 V.S.A. § 248a, to install a wireless )  
communications facility in Richford, Vermont, as )  
part of the VELCO Statewide Radio Project )

Order entered: 4/13/2011

**I. INTRODUCTION**

In this Order, the Vermont Public Service Board ("Board") approves the petition filed by Vermont Transco LLC and Vermont Electric Power Company, Inc. (collectively "VELCO" or the "Petitioners"), pursuant to 30 V.S.A. § 248a, and the Board's Order implementing standards and procedures under this section ("Procedures Order")<sup>1</sup>, and grants the Petitioners a certificate of public good ("CPG") authorizing the installation of telecommunications facilities located in the Town of Richford, Vermont (the "Project").

**II. BACKGROUND**

This case involves a petition and prefiled testimony filed by the Petitioners on February 15, 2011, requesting that the Board issue a CPG, pursuant to 30 V.S.A. § 248a, authorizing the construction of the facilities identified above.

No other comments regarding the Project have been filed with the Board.

The Board has determined that the petition and prefiled testimony and exhibits have effectively addressed the applicable substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required.

**III. FINDINGS**

1. The Project will contribute to the objectives of VELCO's Statewide Radio Project ("SRP") in establishing wireless coverage over much of the State of Vermont for purposes

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<sup>1</sup> *Order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a*, Order issued August 14, 2009.

associated with electric utility installation, repair and maintenance of infrastructure, and emergency response. The Project will also improve wireless coverage in the Town of Richford and the surrounding area since it provides sufficient capacity for future co-location by other providers. Nelson/Chitwood pf. at 7; exh. JP-6C-3.

2. The Project is to be located at an existing 2-acre substation site owned and operated by Vermont Electric Cooperative, Inc. ("VEC") at 238 Troy Street in Richford, Vermont. VELCO intends to purchase a 0.81 acre parcel from VEC to serve as the site for the Project. Nelson/Chitwood pf. at 3-4; exh. JP-6-C6.1.

3. The Project involves the installation of a new telecommunications tower with antennas, an equipment shelter, a generator, and associated operating equipment within a new fenced compound on property to be owned by VELCO. The Project also includes the extension of the existing driveway with a turnaround area. Nelson/Chitwood pf. at 4-5; exh. JP-6-C6.1.

4. The facilities include a new 75-foot-tall lattice self-supporting tower, extendable to a maximum height of 90 feet, with up to four antennas, each measuring approximately 4.25 feet high by 4.25 feet wide, mounted on stand-off arms at a height of 70 feet on the tower. The equipment shelter will be approximately 12 feet by 24 feet, and located north of the proposed tower. The propane-fueled generator will be located within the proposed equipment shelter with an above-ground propane storage tank to be mounted on a 4-foot by 11-foot platform on the north side of the shelter. The 75-foot by 75-foot compound containing the proposed tower and equipment shelter will be enclosed by a 6-foot-high chain link fence. The Project also includes the extension of the existing access driveway, extending it approximately 30 feet from the substation, and a parking/turn-around area immediately outside of the compound gate. *Id.*

#### **State Telecommunications Policy**

[30 V.S.A. § 248a(a)]

5. The Project is consistent with the goal of directing the benefits of improved telecommunications technology to all Vermonters pursuant to 30 V.S.A. § 202c(b). The Project will contribute to the objectives of the SRP, a private mobile communications network, to improve worker safety and power outage recovery time by providing a means of communications

among VELCO, utilities, and third-party contractors throughout Vermont. The Project will provide sufficient excess capacity to allow for co-location by other service providers and interconnection with other networks, some of which have already been built and others that are planned to be built in the future. Nelson/Chitwood pf. at 7, 9; exh. JP-6C-3.

**Aesthetics, Historical Sites, Air and Water Purity,  
the Natural Environment, and Public Health and Safety**

[30 V.S.A. § 248a(c)(1)]

6. The Project will not have an undue adverse effect on aesthetics, historical sites, air and water purity, the natural environment, and the public health and safety. This finding is supported by findings 7 through 26 below, which are the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a) (1)-(8) and (9)(k).

**Outstanding Resource Waters, Headwaters**

[10 V.S.A. §§ 1424a(d), 6086(a)(1)(A)]

7. The Project will have no impact on outstanding resource waters. No headwaters, drainage areas, watersheds or outstanding resource waters are located at the Project site. Connaughton/Smith pf. at 11; exhs. JP-7C-2 and JP-7C-3.

**Water and Air Pollution**

[10 V.S.A. § 6086(a)(1)]

8. The Project will not result in undue water or air pollution. This finding is supported by findings 9 through 11, below.

9. Dust associated with construction equipment will be controlled at the site. Connaughton/Smith pf. at 7.

10. Noise associated with construction activities will be short term, and noise from the generator, if activated, will be attenuated by enclosure within the equipment shelter. *Id.*

11. The Radio Frequency Radiation associated with the Project will meet all standards prescribed by the Federal Communications Commission. Nelson/Chitwood pf. at 8; exh. JP-6C-3.

**Waste Disposal**

[10 V.S.A. § 6086(a)(1)(B)]

12. The Project does not involve disposal of wastes or injection of any material into ground water or wells. Connaughton/Smith pf. at 11; exh. JP-7C-1.

**Water Conservation, Sufficiency of Water, and Burden on Existing Water Supply**

[10 V.S.A. §§ 6086(a)(1)(C),(a)(2) and (3)]

13. The Project will have minimal impact on water conservation measures, as the Project will not be connected to water supplies. Water requirements for the Project are restricted to potable water for the construction crews and potentially using water to cool drill heads used in Project construction. Connaughton/Smith pf. at 8.

**Floodways**

[10 V.S.A. § 6086(a)(1)(D)]

14. The Project is not located in a floodway. Connaughton/Smith pf. at 9; exh. JP-7C-2.

**Streams**

[10 V.S.A. § 6086(a)(1)(E)]

15. The Project will have no adverse impact on streams. Although the Missisquoi River is located to the east of the Project, no streams or shorelines have been identified in the immediate vicinity of the Project. Connaughton/Smith pf. at 10; exh. JP-7C-3.

**Shorelines**

[10 V.S.A. § 6086(a)(1)(F)]

16. The Project is not located on a shoreline. *Id.*

**Wetlands**

[10 V.S.A. § 6086(a)(1)(G)]

17. The Project will have no impact on wetlands. *Id.*

**Soil Erosion**

[10 V.S.A. § 6086(a)(4)]

18. The Project will not cause unreasonable soil erosion or a reduction in the capacity of the land to hold water. All construction work will comply with Vermont standards and specifications for erosion and sediment control. Connaughton/Smith pf. at 12.

**Transportation System**

[10 V.S.A. § 6086(a)(5)]

19. The Project will not cause unreasonable congestion or unsafe conditions with respect to use of the highways, waterways, railways, airports or airways, and other means of transportation existing or proposed. Traffic, following construction, will be limited to maintenance visits. *Id.* at 13.

**Educational Services**

[10 V.S.A. § 6086(a)(6)]

20. The Project will not cause an unreasonable burden on the ability of a municipality to provide educational services. Educational services will not be impacted by the Project. *Id.* at 14.

**Municipal Services**

[10 V.S.A. § 6086(a)(7)]

21. The Project will not place an unreasonable burden on the ability of the local government to provide municipal or governmental services. The Project will not require any additional municipal or governmental services. *Id.*

**Aesthetics, Historical Sites, and Rare and Irreplaceable Natural Areas**

[10 V.S.A. § 6086(a)(8)]

22. The Project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 23 through 25, below.

23. The Project will have minimal impact on existing views, which are generally limited by the density and height of existing mature vegetation, as well as by the winding roads and topography of the area. In addition, the Project will be located at VEC's existing substation facility which includes visible poles and lines such that the Project will blend in with the existing utility infrastructure. Connaughton/Smith pf. at 5-6; exh. JP-7C-4.

24. There are no known historic sites within the immediate vicinity of the Project site. Connaughton/Smith pf. at 6-7; exh. JP-7C-2.

25. There are no known irreplaceable natural areas, endangered species sites or areas of necessary wildlife habitat in the Project area. *Id.*

**Development Affecting Public Investments**

[10 V.S.A. § 6086(a)(9)(K)]

26. The Project will not unnecessarily or unreasonably endanger any public or quasi-public investment in the facility, service, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of, or the public's use or enjoyment of or access to public investments.

Connaughton/Smith pf. at 14.

**Town and Regional Plans**

[30 V.S.A. § 248a(c)(2)]

27. The Project is consistent with the land conservation measures contained in the Richford Town Plan and the Northwestern Regional Plan. Connaughton/Smith pf. at 15-20; exhs. JP-7C-5 and JP-7C-6.

**State and Local Permits**

[30 V.S.A. § 248a(d)]

28. No land use permits currently exist for the subject property. Both the Town of Richford, acting through the Development Review Board, and the Northwest Regional Planning Commission have filed recommendations for approval of the Project. Connaughton/Smith pf. at 19-20; exh. JP-7C-6.

**IV. DISCUSSION & CONCLUSION**

Pursuant to 30 V.S.A. §248a(a):

Notwithstanding any other provision of law, if the applicant seeks approval for the construction or installation of telecommunications facilities that are to be interconnected with other telecommunications facilities proposed or already in existence, the applicant may obtain a certificate of public good issued by the public service board under this section, which the board may grant if it finds that the facilities will promote the general good of the state consistent with subsection 202c(b) of this title.

Further, pursuant to the Procedures Order:

Unless the Board determines that an application raises a significant issue, it shall issue a final determination on an application within 90 days of its filing . . . .

Based upon all of the above evidence, the petition does not raise a significant issue with respect to the relevant substantive criteria of 30 V.S.A. § 248a, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

### V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the installation and operation of communications facilities at the location specified in the above findings, by Vermont Transco LLC and Vermont Electric Power Company, Inc., in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248a(a), and a certificate of public good to that effect shall be issued in this matter.

Dated at Montpelier, Vermont, this 13<sup>th</sup> day April, 2011.

<u>s/ James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/ David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/ John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: April 13, 2011

ATTEST: s/ Judith C. Whitney  
Deputy Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*